IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.4588/2000.

Ramesh Chand Yadav. **VERSUS** State of Raj. & Ors.

15.11.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.K.N.Sharma]
Mr.H.C.Saini]for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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The petitioner has claimed the relief of compensation in this writ petition on account of the alleged failure of sterilization operation which the petitioner's wife has undergone at the Gandala Primary Health Center, Alwar.

The case of the petitioner is that despite the aforesaid sterilization operation the petitioner's wife conceived a child which was born on 15.4.2000, as such, the petitioner should be awarded compensation.

In the recent decision of the Hon'ble Apex Court in State of Punjab Vs. Shiv Ram and Others reported in JT 2005 (7) SC 606, the Hon'ble Apex Court has held that it is a matter to be examined as to whether there was nay negligence or not. The said facts cannot be examined in the writ jurisdiction.

Consequently, this writ petition is dismissed. However, in case the petitioner so desires, she would be at liberty to seek alternative remedy.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.